

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

CHRISTOPHER CHAFIN,

Plaintiff,

v.

Case No.: 3:13-cv-01706

WESTERN REGIONAL JAIL;
WEST VIRGINIA REGIONAL JAIL
AND CORRECTIONAL FACILITY
AUTHORITY; MIKE CLARK, former
Administrator of the Western Regional
Jail; JOE DELONG, Executive Director of
the West Virginia Regional Jail and
Correctional Facility Authority; OFFICER
MATTHEW ADKINS; OFFICER KELLY;
OFFICER MANNING; OFFICER PRADMORE;
OFFICER SPARKS; OFFICER JOHN DOE#1;
OFFICER JOHN DOE #2; OFFICER JOHN
DOE #3; SERGEANT FLEMING; NURSE
JANE DOE,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that:

1. The Motion to Dismiss on Behalf of Defendants, West Virginia Regional Jail & Correctional Facility Authority and the Western Regional Jail, (ECF No. 24), be **GRANTED**;
2. The Supplemental Motion to Dismiss (ECF No. 34) and Second

Supplemental Motion to Dismiss (ECF No. 35) be **GRANTED** as to the West Virginia Regional Jail & Correctional Facility Authority, the Western Regional Jail, and Joe DeLong, Executive Director the West Virginia Regional Jail & Correctional Facility Authority, and be **DENIED** as to the remaining defendants;

3. Plaintiff's complaint be **DISMISSED, with prejudice**, against the West Virginia Regional Jail & Correctional Facility Authority, the Western Regional Jail, and Joe DeLong, but continue to pend against the remaining defendants; and

4. The West Virginia Regional Jail & Correctional Facility Authority, the Western Regional Jail, and Joe DeLong, Executive Director the West Virginia Regional Jail & Correctional Facility Authority be removed as defendants from the style of this civil action.

Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, consistent with the findings and recommendations the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** as follows:

1. The Motion to Dismiss on Behalf of Defendants, West Virginia Regional Jail & Correctional Facility Authority and the Western Regional Jail, (ECF No. 24), be **GRANTED**;

2. The Supplemental Motion to Dismiss (ECF No. 34) and Second Supplemental Motion to Dismiss (ECF No. 35) be **GRANTED** as to the West Virginia Regional Jail & Correctional Facility Authority, the Western Regional Jail, and Joe DeLong, Executive Director the West Virginia Regional Jail & Correctional Facility Authority, and be **DENIED** as to the remaining defendants;

3. Plaintiff's complaint be **DISMISSED, with prejudice**, against the West Virginia Regional Jail & Correctional Facility Authority, the Western Regional Jail, and Joe DeLong, but continue to pend against the remaining defendants; and

4. The West Virginia Regional Jail & Correctional Facility Authority, the Western Regional Jail, and Joe DeLong, Executive Director the West Virginia Regional Jail & Correctional Facility Authority be removed as defendants from the style of this civil action.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: July 12, 2013



ROBERT C. CHAMBERS, CHIEF JUDGE